

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
No. 5:14-cv-86-GCM**

BRENDA BILLINGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of	)	
Social Security	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

**THIS MATTER** is before the Court on the Commissioner's Consent Motion to Remand (Doc. No. 14). Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), **IT IS HEREBY ORDERED** that this case be **REMANDED** for further administrative proceedings.

Upon remand, the Administrative Law Judge (ALJ) will be directed to give Plaintiff an opportunity for a hearing and to obtain additional evidence. The ALJ will explain how much weight he or she accords to the medical opinions of record. Assuming that significant weight is accorded to the opinion of Dr. Perry Caviness, the ALJ will specifically address, among other things, Dr. Caviness's opinion that claimant would be unable to use her left lower extremity for pushing or pulling. In addition, the ALJ will consider and discuss Listing 1.04A in more detail, including specific consideration of the clinical findings in the record that implicate this Listing (for example, Plaintiff's diagnosis and treatment for lumbar radiculopathy; a number of positive

straight leg raising tests; decreased or painful lumbar spine range of motion; at least one finding of altered sensation accompanied by weakness and diminished reflexes; and other findings of decreased sensation or decreased strength in the lower extremities).

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk of Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED.**

Signed: January 16, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

